

**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

**RE: BAY STATE GAS COMPANY'S COMPLIANCE  
WITH G.L. C. 164, § 1E**

**DTE 06-31**

**PETITION TO INTERVENE OF LOCAL 273, UTILITY WORKERS UNION OF  
AMERICA, AFL-CIO**

Local 273, Utility Workers Union of America, AFL-CIO ("Local 273") hereby petitions to intervene in the Department's investigation regarding Bay State Gas Company's compliance with G.L. c. 164, § 1E and other matters. In support of this motion and in accordance with 220 CMR 1.03 and G.L. c. 30A, § 10, Local 273 states:

1. Local 273 is located in Brockton, Massachusetts. It has no physical office but maintains a mailing address at 132 Ferncrest Drive, Taunton, MA 02780. Local 273 is currently the collective bargaining agent for approximately 200 physical and clerical workers of the Brockton division of Bay State Gas Company ("Bay State" or "Company"), representing a decline of approximately 60 physical and clerical workers from the levels prevailing as recently as 1997.
2. Approximately 90% of the members of Local 273 reside in Bay State's service territory, and most of those are Bay State customers.

3. Local 273 and its members are substantially and specifically impacted by Bay State's compliance with G.L. c. 164, § 1E, by the Company's staffing level policies, and by management of Bay State by NiSource, Inc. Local 273 has experienced substantial declines in its membership as Bay State has reduced its staffing levels by approximately one-third over the past several years. Local 273 contends that these cut-backs have adversely impacted service quality for consumers, increased safety risks for workers and the public, and impeded the Company's ability to properly maintain its system. A decision in this case may affect the employment status of many members of Local 273, the safety of the conditions in which they work, and other conditions of their employment. In addition, many members of 273 will be substantially and significantly affected as customers of the company who expect high-quality, safe and dependable gas service.
4. The Department has allowed Local 273 to intervene in a number of the Company's prior cases, including DPU 97-24, DPU/DTE 97-97, DTE 98-31, and DTE 05-27, the Company's most recent rate case. In the decision in DTE 05-27, the Department responded to a number of issues raised by Local 273 about the adverse effects arising from Bay State's merger with NiSource, Bay State's parent company, including staffing reductions that violate G.L. c. 164, § 1E, diminished service quality, and disinvestment in distribution infrastructure. The Department's March 24, 2006 "Order Opening Investigation" ("OOI") in this docket notes that the Department will now investigate "whether Bay State complies with the staffing level requirements of G.L. c. 164, § 1E" as well as "a number of related topics concerning management control of Bay State by its

parent company.”

5. Local 273 intends to conduct discovery; cross-examine the Company’s witnesses; file briefs; and potentially offer its own direct testimony on the several resource and staffing issues raised in the March 24 OOI and in the testimony and exhibits of Steve Bryant already filed in this docket.
6. At this early stage of the proceeding, Local 273 states its general contention that Bay State is not entitled to the determination of compliance with G.L. c. 164, § 1E that it seeks.
7. Local 273’s members have unique experience and knowledge of the Company’s operations. The evidence and arguments that Local 273 presented in DTE 05-27 in large part formed the basis for the Department deciding to open up the present docket, and Local 273’s participation in the present docket will provide the Department with information that it would not otherwise obtain. Local 273’s intervention will help inform the Department’s final determination in this proceeding.
8. Local 273 cannot specify, in advance of hearings, the precise relief it seeks beyond what is stated in ¶ 6, above, and reserves its right to seek different or more detailed relief at a later stage of this proceeding.
9. Local 273 reserves the right to file a legal memorandum in support of this petition to intervene, should Bay State or any other party object to its intervention.

For the reasons presented above, Local 273 asks the Department to grant its petition to intervene.

Respectfully Submitted,

Charles Harak, Esq.  
77 Summer Street, 10<sup>th</sup> floor  
Boston, MA 02110  
617 988-0600 (ph)  
617 523-7398 (fax)  
charak@nclc.org

DATED: May 23, 2006